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The Commonwealth of Massachusetts

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# **INFORMATION**

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# **1982**

# **LEGISLATION**

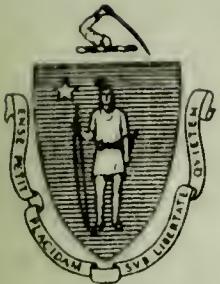
# **affecting**

# **CIVIL SERVICE**

Prepared by  
THE  
MASSACHUSETTS  
DEPARTMENT OF  
PERSONNEL  
ADMINISTRATION

Publication: #13,283-12-1800-7-83-CR  
Approved by Daniel Carter, State Purchasing Agent





*The Commonwealth of Massachusetts  
Department of Personnel Administration  
One Ashburton Place, Boston, Ma. 02108*

TO APPOINTING AUTHORITIES:

Your attention is invited to the following legislation enacted in 1982 affecting Civil Service Law and Rules.

Acts of  
1982,  
Chapter

Effective  
Date

Description

I. LEGISLATION OF GENERAL INTEREST

80

An Act Increasing the Penalties for Falsely Claiming To Be a Veteran.

8/18/82

Section 43A of Chapter 56 of the General Laws, as amended by section 30 of Chapter 393 of the Acts of 1978, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: Any violation of this section shall be punished by a fine of not more than five hundred dollars.

- - - - -

320

An Act Relating to the Appointment and Removal of State Department Heads.

See below.

Your attention is called to section 12 of Chapter 320 which specifies:

"Notwithstanding the provisions of section 3 of said Chapter 18A, the Commissioner of Youth Services, with the approval of the Secretary of Human Services, shall appoint a deputy commissioner who shall not be subject to the provisions of Chapter 31 of the General Laws and to whom the provisions of section 9A of Chapter 30 of the General Laws shall not apply, but who shall possess the same qualifications required of the Commissioner, except that he shall have had not less than five years experience in work related to juvenile delinquency, of which at least two shall have been as an administrator."

Section 25 specifies:

"This Act shall take effect as of July first, 1982, and shall become inoperative on June 28, 1983; provided that

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1982,  
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320 any person then serving in a position or on the board, commission, committee or council affected by this Act shall continue to serve until the expiration of his term, or until he sooner, resigns, dies or is removed for cause and his successor shall be appointed in the manner provided in this Act."

- - - - -

357 An Act Incorporating Certain Recurring Budgetary Provisions into the General Laws.

7/1/82

Your attention is called to section 1 of Chapter 357 which amends section 28 of Chapter 7 of the General Laws, as most recently amended by section 7 of Chapter 767 of the Acts of 1981, concerning certain duties to be performed by the Personnel Administrator of the Department of Personnel Administration and section 2 concerning expenditures for printed documents. Also note sections 6, 10, and 12.

- - - - -

362 An Act Authorizing the Appointment of Certain Persons to the Position of Correction Officer in the Department of Correction.

10/18/82

This Act makes persons employed provisionally or temporarily as correction officers at the time of examination eligible for certification and appointment as regular correction officers provided they have met all requirements for certification and appointment to said position of a regular correction officer other than the requirement as to age.

- - - - -

396 An Act Relative to Appointments Based Upon Special State or Federal Training Programs.

7/1/82

Section 3 of Chapter 396 amends Chapter 565 of the Acts of 1980 by striking out section 2 and inserting in place thereof the following section:

"Section 2. This act shall cease to be operative on June 30, 1984."

- - - - -

560 An Act Creating the Massachusetts Corporation for Educational Telecommunications.

12/23/82

Your attention is called to the fifth paragraph of section 3 concerning the exclusion of the Corporation, its officers, directors, agents, employees, consultants or advisors from certain sections of Chapter 30, Chapter 31 and certain sections of Chapter 149 of the General Laws.

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1982,  
Chapter

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Date

571

An Act Further Defining Seniority in Civil Service with Reference to Reemployment Lists.

3/23/83

Section 33 of Chapter 31 of the General Laws, as most recently amended by section 117 of Chapter 835 of the Acts of 1974 is hereby further amended by adding the following paragraph:

"Any person in such service who has received an appointment from a reemployment list, as set forth in section forty, shall carry forward their seniority as prescribed herein; provided, however, that any lay-offs occurring after a reemployment date shall have such reemployment date as the determining factor in lay-offs by seniority."

609

An Act Establishing the Massachusetts Legal Assistance Corporation.

3/29/83

Your attention is called to the last sentence in section 4 which states:

"Neither the Corporation nor any of its officers, agents, employees, consultants, or advisors shall be subject to the provisions of sections 9A, 45, 46 and 52 of Chapter 30 or the provisions of Chapter 31."

630

An Act Establishing a Division of Public Employee Retirement Administration and Amending Certain Provisions of the Contributory Retirement Law.

See below.

Your attention is called to section 2 of Chapter 630 which adds two sections, sections 49 and 50, amending Chapter 7 of the General Laws. The last sentence of the new section 49 specifies that all of the positions created under the provisions of this section shall be exempt from section 9A of Chapter 30, Chapter 31 and Chapter 150E.

Your attention is also directed to the following sections of Chapter 630:

Section 3 amends section 39 of Chapter 31 as appearing in section 11 of Chapter 393 of the Acts of 1978.

Section 4 amends section 46 of Chapter 31.

Section 50.

Section 51.

Section 55.

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630  
(cont'd) Section 56 of Chapter 630 specifies that sections 12, 13, and 21 shall take effect on April 1, 1983; sections 3, 4, 9, 11, 17, 18, 19 and 48 shall take effect on July 1, 1983; all other sections shall take effect upon passage of this Act. This Act has an emergency preamble; therefore, the remaining sections are effective January 4, 1983, the date Chapter 630 was approved.

668 An Act Establishing the Office of Secretary of Labor. 1/6/83

Your attention is called to section 11 of Chapter 668 regarding the status of all employees of any board, commission, committee, department, council or other state agency who are transferred to the Executive Office of Labor by this Act.

II. LEGISLATION OF LOCAL OR LIMITED EFFECT

5 An Act Relative to the Exemption of a Certain Position in the Town of Andover from the Provisions of Civil Service. 8/16/81

Section 1 of Chapter 5 amends section 1 of Chapter 350 of the Acts of 1981 by striking out, in line 1, the word "electrical" and inserting in place thereof the following word: "gas."

6 An Act Exempting the Position of City Electrician in the City of Gloucester from the Provisions of the Civil Service Law. 3/18/82

9 An Act Requiring that Physical Examinations for Civil Service Positions in Berkshire, Franklin, Hampshire and Hampden Counties Shall Be Conducted at the Western Massachusetts Hospital in the City of Westfield. 4/17/82

18 An Act Exempting the Positions of Clerk and Secretary in the School Department of the Town of Norwood from the Provisions of the Civil Service Law. 4/1/82

19 An Act Exempting the Position of Veteran's Service Investigator in the Town of Billerica from the Provisions of the Civil Service Law. 4/1/82

116 An Act Reviving and Extending in the City of Salem the Civil Service Fire Department Lieutenant's Promotion List. 7/1/82

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1982,  
Chapter

137

Description

Effective  
Date

An Act Requiring that Physical Examinations for Civil Service Positions in Berkshire, Franklin, Hampshire and Hampden Counties May Be Conducted at the Western Massachusetts Hospital in the City of Westfield.

9/2/82

Chapter 137 amends Chapter 9 of the Acts of 1982 by striking out, in line 6, the work "shall" and inserting in place thereof the word: "may."

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An Act Exempting the Office of Chief of Police in the Town of Franklin from the Provisions of the Civil Service Law.

6/22/82

158

An Act Exempting the Position of Agent of the Board of Health of the City of Gloucester from the Provisions of the Civil Service Law.

6/28/82

172

An Act Exempting All the Positions in the Purchasing Department of the City of Lynn from the Civil Service Law.

6/30/82

201

An Act Exempting the Position of Veterans' Agent in the City of Salem from the Provisions of the Civil Service Law. See below.

Section 4 of this Act specifies that it will take effect upon its acceptance by the City of Salem.

289

An Act Exempting Certain Positions in the Town of Franklin from the Provisions of the Civil Service Law.

7/9/82

293

Section 1 of this Act exempts all positions in the Recreation Department and in the Department known as the Council-on-Aging in the Town of Franklin from the provisions of the General Laws Chapter 31.

7/9/82

An Act Exempting All Positions at the Ray Memorial Library in the Town of Franklin from the Provisions of the Civil Service Law.

7/9/82

388

An Act Exempting the Positions of Plumbing Inspector and Gas Inspector in the Town of Mashpee from the Provisions of the Civil Service Law.

10/1/82

389

An Act Exempting Certain Positions in the Shrewsbury School Department from the Provisions of the Civil Service Law.

10/1/82

Section 1 of Chapter 389 specifies that the positions of Business Manager and Supervisor of Attendance and Transportation in the School Department of the Town of Shrewsbury shall be exempt from the provisions of Chapter 31 of the General Laws.

Acts of  
1982,  
Chapter

Effectiv  
Date

390

Description

An Act Establishing Civil Service Status for Certain Employees of the School Department of the Town of Braintree.

10/1/82

Section 1 of the Act specifies that those employees of the School Department of the Town of Braintree who are classified as maintenance personnel shall be subject to the provisions of Chapter 31 of the General Laws.

399

An Act Providing that the Position of Sealer of Weights and Measures and the Position of Inspector of Plumbing in the Town of Braintree Be Exempt from the Civil Service Law.

10/7/82

415

An Act Exempting Certain Positions in the Data Processing Department of the City of Springfield from the Civil Service Law.

10/15/8

Section 1 of the Act specifies that the positions of Data Processing Systems Manager, Assistant Data Processing Systems Manager, Principal Computer Operator, Senior Computer Operator, Computer Operator, Senior Computer Programmer and Junior Computer Programmer, Senior Data Entry Operator, and Data Entry Operator in the Data Processing Department of the City of Springfield shall be exempt from the provisions of Chapter 31 of the General Laws.

416

An Act Exempting a Certain Position in the Law Department of the City of Springfield from the Civil Service Law.

10/15/8

Section 1 of this Act specifies that the City of Springfield is hereby authorized to establish the position of Administrative Assistant to the City Solicitor in the Law Department of said city and said position shall be exempt from the provisions of Chapter 31 of the General Laws.

417

An Act Exempting the Position of Traffic Supervisor in the City of Marlborough from the Provisions of the Civil Service Law.

10/15/8

466

An Act Authorizing the Town Administrator of the Town of Scituate to Appoint and Remove Town Employees.

11/19/8

Section 1 of this Act specifies that notwithstanding the provisions of any general or special law to the contrary, the Town Administrator of the Town of Scituate shall have the power and authority to appoint and to remove all department heads, officers, subordinates and employees of said Town, except as otherwise provided in its home rule charter.

cts of  
1982,  
chapter

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479

An Act Relative to the Powers and Duties of the Department of Housing Services and Establishing a Housing Authority in the City of Newton.

12/19/82

Your attention is called to section 11B of this Act concerning the transfer of all salaried employees of the Newton Housing Services Department to the Newton Housing Authority.

- - - -

490

An Act Exempting the Position of Physician for the School Department in the City of Marlborough from the Provisions of the Civil Service Law.

11/30/82

491

An Act Exempting the Position of Supervisor of Attendance in the School Department of the City of Marlborough from the Provisions of the Civil Service Law.

11/30/82

497

An Act Exempting Certain Positions in the School Department in the Town of West Springfield from the Provisions of the Civil Service Law.

12/30/82

Section 1 of this Act specifies that the positions of Supervisor of School Cafeterias, Director of Custodians, Maintenance and Operations and Administrative Assistant in the School Department of the Town of West Springfield shall be exempt from the Provisions of Chapter 31 of the General Laws.

- - - -

04

An Act Exempting Certain Positions in the Public Works Department of the Town of Franklin from the Provisions of the Civil Service Law.

12/8/82

Section 1 of this Act specifies that the positions of Assistant Town Engineer, Senior Engineering Aide, Junior Engineering Aide, Draftsman and General Construction Inspector in the Department of Public Works in the Town of Franklin shall be exempt from the provisions of Chapter 31 of the General Laws.

- - - -

05

An Act Exempting the Position of City Auditor in the City of Brockton from the Provisions of Civil Service Law.

12/8/82

06

An Act Exempting the Position of Superintendent of Parks in the City of Chelsea from the Provisions of the Civil Service Law.

12/8/82

61

An Act Exempting the Position of Director of Fire Services within the Department of Community Safety in the Town of Arlington from the Provisions of the Civil Service Law.

12/23/82

Acts of  
1982,  
Chapter

Effective  
Date

624

Description

An act Establishing an Environment Department in the  
City of Boston.

1/28/83

You attention is called to the last sentence in the third paragraph of section 3 which states that Chapter 31 of the General Laws shall not be applicable to the Department.

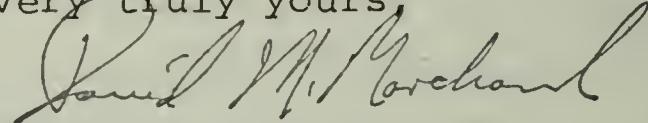
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Requests for copies of the acts referred to herein should be directed to the Secretary of the Commonwealth, State Book Store, Room 116, State House, Boston, MA 02133.

See Appendix for a listing of the various chapters summarized in the document.

If you need extra copies of this document, please notify me forthwith. A limited number of extra copies were made. These will be held for a reasonable time to take care of requests for additional copies and will then be released for general distribution to the public.

Very truly yours,



David M. Marchand  
Personnel Administrator

Civil Service Comission

Wayne A. Budd, Chairman  
James W. Agoritsas  
Joseph M. Duffy  
Richard H. Linden  
Nicholas Roussos

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